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10 **BEFORE THE**
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 1E-2002-132677

13 AARON H. KUEHL, P.A.
14 3984 Jewell Street, #R 305
San Diego, California 92109

A C C U S A T I O N

15 Physician Assistant No. PA 14224

16 Respondent.
17

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19 Complainant alleges:

20 **PARTIES**

21 1. Richard L. Wallinder, Jr. (Complainant) brings this Accusation solely in
22 his official capacity as the Executive Officer of the Physician Assistant Committee, Department
23 of Consumer Affairs.

24 2. On or about January 6, 1998, the Physician Assistant Committee issued
25 Physician Assistant No. PA 14224 to Aaron H. Kuehl, P.A. (Respondent). The Physician
26 Assistant was in full force and effect at all times relevant to the charges brought herein and will
27 expire on March 31, 2004, unless renewed.

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1 8. Section 2234 (e) of the Code states "The commission of any act involving
2 dishonesty or corruption which is substantially related to the qualifications, functions, or duties
3 of a physician and surgeon" is unprofessional conduct."

4 9. Section 11173 of the Health and Safety Code states that "(a) no person
5 shall obtain or attempt to obtain controlled substances, or procure the administration of or
6 prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or
7 (2) by the concealment of a material fact"

8 10. California Code of Regulations ("CCR"), Title 16, Section 1399.521
9 provides in pertinent part, "[i]n addition to the grounds set forth in section 3527, subdivision (a),
10 of the [C]ode the [C]ommittee may deny, issue subject to terms and conditions, suspend, revoke,
11 or place on probation a physician assistant for the following causes:

12 "(a) any violation of the State Medical Practice Act which would
13 constitute unprofessional conduct for a physician and surgeon.

14 ". . ."

15 11. Vicodin is a Schedule III controlled substance under Health and Safety
16 Code section 11056(e). Soma (Carisoprodol) is a non-scheduled prescription drug indicated for
17 the relief of acute, painful musculoskeletal conditions. Ultram (Tramadol hydrochloride) is a
18 non-scheduled prescription drug used in the management of moderate to moderately severe pain.

19 FIRST CAUSE FOR DISCIPLINE

20 (Unlawful Use or Prescribing)

21 12. Respondent is subject to disciplinary action under section 2239 in that he
22 unlawfully used Vicodin and Soma. The circumstances are as follows:

23 a. On or about December 16, 2001, respondent was hired by
24 Dr. S. to be his physician assistant and provide pre and post-operative care, and to
25 assist Dr. S during surgical procedures.

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1 b. On or about April 10, 2002, Dr. S., and his office manager
2 spoke with respondent about the theft and use of drugs from the office supply.

3 They also discussed with respondent his attendance problems, and the two
4 occasions in which respondent passed out during his assisting in surgeries.

5 c. Respondent admitted taking Vicodin, Soma, and Ibuprofen
6 from the office supply. He also admitted taking two Soma tablets on the morning
7 of April 9, 2002.

8 d. Respondent also admitted taking a bottle of Vicodin and a
9 bottle of Soma in January 2002, from the office supply cabinet.

10 e. On or about May 8, 2002, respondent provided the Medical
11 Board with a urine sample. At the time of the sample respondent was asked
12 whether he had taken any medications that day and he said "no".

13 f. On or about the results of the urinalysis were received. It
14 tested positive for Ultram

15 13. Respondent unlawfully used controlled and dangerous drugs within the
16 meaning of section 2239 by reason of, but not limited too, the following:

17 a. Paragraph 12 (a) through (f) is incorporated by reference as
18 if fully set forth herein.

19 b. During his employment with Dr. S., respondent, on two
20 different occasions, unlawfully took bottles of Vicodin and Soma from Dr. S.'s
21 office supply.

22 SECOND CAUSE FOR DISCIPLINE

23 (Intoxicated While Treating Patient)

24 14. Respondent is subject to disciplinary action under section 2280 in that
25 during the time of his employment with Dr. S. respondent took and ingested Vicodin and/or
26 Soma, the effects of which caused him to be under intoxicated at a time when he was assisting
27 Dr. S. in surgical procedures. Paragraph 12 (a) through (f) is incorporated by reference as if fully
28 set forth herein.

1 THIRD CAUSE FOR DISCIPLINE

2 (Dishonest Acts)

3 15. Respondent is subject to disciplinary action under section 2234 (e) in that
4 during the time of his employment with Dr. S. he committed dishonest acts which were
5 substantially related to the qualifications, functions, or duties of a physician assistant by reasons
6 of, but not limited too, the following:

7 a. Paragraph 12 (a) through (f) is incorporated by reference as
8 if fully set forth herein.

9 b. Respondent stole bottles of Vicodin and Soma from the
10 office supply of Dr. S, his physician supervisor.

11 c. Respondent lied to the Medical Board when he denied
12 taking any medication at the time he gave his urine sample.

13 PRAYER

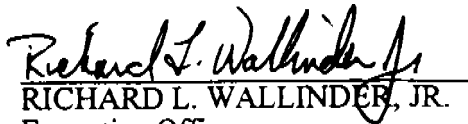
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Physician Assistant Committee issue a decision:

16 1. Revoking or suspending Physician Assistant No. PA 14224, issued to
17 Aaron H. Kuehl, P.A.;

18 2. Ordering Aaron H. Kuehl, P.A. to pay the Physician Assistant Committee
19 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: July 11, 2002

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25 
26 RICHARD L. WALLINDER, JR.
27 Executive Officer
28 Physician Assistant Committee
Department of Consumer Affairs
State of California
Complainant